

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAROLYN TRIPLETT,

Plaintiff,

Case No. 1:10-cv-1143

v

HON. JANET T. NEFF

JOHN E. POTTER,

Defendant.

_____ /

OPINION AND ORDER

Plaintiff, proceeding *in forma pauperis*, initiated this action against Defendant on November 18, 2010. The matter was referred to the Magistrate Judge, who conducted an initial screening and issued a Report and Recommendation (R & R), recommending that the Complaint be dismissed (Dkt 8). Plaintiff subsequently filed a Motion to Amend, which the Magistrate Judge granted on January 24, 2011 (Dkts 9, 10). After reviewing Plaintiff's Amended Complaint (Dkt 11), the Magistrate Judge issued a Report and Recommendation, recommending that the Amended Complaint be dismissed pursuant to 29 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief can be granted (Dkt 12). The matter is currently before the Court on Plaintiff's objection to the Report and Recommendation (Pl. Obj., Dkt 15). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. The Court denies the objection and issues this Opinion and Order.

Plaintiff's objection fails to identify any error by the Magistrate Judge. Instead, Plaintiff once again restates her claim in conclusory terms (Dkt 15 at 2). The Magistrate Judge properly found that Plaintiff's Amended Complaint "failed to assert any facts in support of her various claims" and that the Amended Complaint instead asserted only "the legal conclusion that she is entitled to relief" (Dkt 12 at 3). A Judgment will be entered consistent with this Order. *See* FED. R. CIV. P. 58.

For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Accordingly:

IT IS HEREBY ORDERED that the Objection (Dkt 15) is DENIED, and the Report and Recommendation (Dkt 12) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Amended Complaint (Dkt 11) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: May 11, 2011

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge